

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 144

FIRE PREVENTION AND FIREWORKS WHOLESALERS

Subchapters 1 and 2 reserved

Subchapter 3

Definitions

Rule 24.144.301 Definitions

Subchapter 4

General Provisions

Rule 24.144.401 reserved

Rule 24.144.402 Duty to Report Name or Address Change

24.144.403 Proof of Insurance

24.144.404 Duplicate License or Endorsement

Rules 24.144.405 through 24.144.410 reserved

24.144.411 Fees

Rules 24.144.412 through 24.144.414 reserved

24.144.415 Apprentices-Approved Programs

DEPARTMENT OF LABOR AND INDUSTRY

Subchapter 5

Licensing

Rule	24.144.501	Who Must Obtain an Endorsement
	24.144.502	Examination for Endorsement
	24.144.503	Application Procedure

Subchapter 6 reserved

Subchapter 7

Fireworks Wholesalers

Rule	24.144.701	Application for Fireworks Wholesaler Permit
	24.144.702	Contents of Fireworks Wholesale Permit

Subchapters 8 through 20 reserved

Subchapter 21

Continuing Education and Renewal

Rule	24.144.2101	Continuing Education
	24.144.2102	Renewals

Sub-Chapters 1 and 2 reserved

Sub-Chapter 3

Definitions

24.144.301 DEFINITIONS The following definitions apply to the use of the listed terms in Title 50, chapter 39, part 1, MCA, and in these rules:

(1) "Commercial general liability insurance" means insurance that covers bodily injury and property damage, personal and advertising injury and medical payments resulting from, but not limited to, premises/operations claims and products/completed operations claims.

(2) "Fire protection equipment" means the components of any fire alarm system, special agent fire suppression system, or fire extinguishing system.

(3) "Fire sprinkler system" means a fire extinguishing system.

(4) "NICET" means national institute for certification in engineering technologies.

(History: 50-39-107, MCA; IMP, 50-39-101, 50-39-102, 50-39-103, 50-39-104, 50-39-105, 50-39-106, 50-39-108, MCA; NEW, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261.)

Subchapter 4

General Provisions

Rule 24.144.401 reserved

24.144.402 DUTY TO REPORT NAME OR ADDRESS CHANGE (1) An entity licensed or person endorsed shall report a change of name or address to the department within 15 days of the change. The entity or person shall also record the new name or address on the reverse side of the license and endorsement. (History: 50-3-102, MCA; IMP, 50-3-102, MCA; NEW, Eff. 10/5/75; AMD, 1983 MAR p. 15, Eff. 1/14/83; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, 1996 MAR p. 748, Eff. 3/22/96; TRANS, from Commerce, 2005 MAR p. 261.)

24.144.403 PROOF OF INSURANCE (1) Prior to issuance of a license and annually thereafter the entity shall obtain, maintain in full force and file with the department a full term commercial general liability insurance policy from an insurance company authorized to do business in the state of Montana and except as provided in (5), submit verification of workers' compensation insurance.

(2) An entity engaging in the business of servicing fire extinguishers shall submit a copy of commercial general liability insurance with a minimum limit per occurrence of \$500,000 that includes premises/operations and products/completed operations coverage.

(3) An entity engaging in the business of selling, servicing or installing fire alarm systems, special agent fire suppression systems or fire extinguisher systems shall submit a copy of commercial general liability insurance with a minimum limit per occurrence of \$1,000,000 that includes premises/operations and products/completed operations coverage.

(4) Failure to maintain liability insurance required under this chapter constitutes grounds for denial, suspension or revocation of a license.

(5) Sole proprietors or working members of a partnership who are on file with the Department of Labor and Industry as independent contractors, with no employees, need not submit workers' compensation but shall submit independent contractor exemption verification to the department. (History: 50-3-102, MCA; IMP, 50-3-102, MCA; NEW, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, 1996 MAR p. 748, Eff. 3/22/96; TRANS, from Commerce, 2005 MAR p. 261.)

24.144.404 DUPLICATE LICENSE OR ENDORSEMENT (1) The department may upon request replace any previously issued license or endorsement that has been lost or destroyed. The request must include a written statement from the holder attesting to the loss or destruction of the license or endorsement. The request must also be accompanied by the fee as set in ARM 24.101.403. (History: 50-3-102, MCA; IMP, 37-1-134, 50-3-102, MCA; NEW, Eff. 10/5/75; AMD, Eff. 12/4/76; AMD, 1983 MAR p. 15, Eff. 1/14/83; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, 1996 MAR p. 748, Eff. 3/22/96; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

FIRE PREVENTION
AND FIREWORKS WHOLESALERS

24.144.411

Rules 24.144.405 through 24.144.410 reserved

<u>24.144.411 FEES</u> (1) Endorsement to sell, service, or install fire alarm systems	\$100
(2) Endorsement to sell, service, or install special agent fire suppression systems	100
(3) Endorsement to sell, service, or install fire extinguishing systems	100
(4) Business entity license	200
(5) One-time processing fee in year of first application for endorsement	25
(6) One-time processing fee in year of first application for license	100
(7) Renewal of endorsement (per endorsement)	100
(8) Renewal of license	200
(History: 50-39-107, MCA; <u>IMP</u> , 50-39-102, MCA; Eff. 10/5/75; <u>AMD</u> , 1983 MAR p. 15, Eff. 1/14/83; <u>AMD</u> , 1985 MAR p. 936, Eff. 7/12/85; <u>AMD</u> , 1993 MAR p. 2953, Eff. 12/10/93; <u>TRANS</u> , <u>AMD</u> , 1996 MAR p. 748, Eff. 3/22/96; <u>TRANS</u> , from Commerce, 2005 MAR p. 261; <u>AMD</u> , 2006 MAR p. 224, Eff. 1/27/06.)	

Rules 24.144.412 through 24.144.414 reserved

24.144.415 APPRENTICES-APPROVED PROGRAMS (1) Any person or entity that holds a license under the provisions of Title 50, chapter 39, part 1, MCA, must apply for approval of its apprenticeship program under ARM 24.144.503. All work performed by an apprentice must be subject to direct and task-specific instruction and supervision of an endorsed individual.

(2) In order to qualify for exemption from endorsement under 50-39-101, MCA, an apprentice must work in a training capacity, for the service or installation of fire alarm systems, special agent fire suppression systems or fire extinguishing systems, in compliance with an apprenticeship program approved by the department.

(3) The department shall approve an apprenticeship program of a licensee, provided that licensee establishes that its apprenticeship program meets one or more of the following:

(a) any program that is approved by the Montana Department of Labor and Industry, pursuant to the provisions of Title 39, chapter 6, part 1, MCA;

(b) any program that is approved by any state, provided that the program meets the requirements of the National Apprenticeship Act, 29 U.S.C. 50, and CFR sections 29.1 - 29.13.

(4) Once an apprenticeship program has been approved, the licensee shall provide the department with a list of all apprentices performing work for the licensee and the name of the endorsed individual under whom each apprentice will be working. The licensee shall provide the department with updates of such list no later than 30 days after any addition or subtraction of an apprentice from its program. (History: 50-39-107, MCA; IMP, 50-39-101, MCA; NEW, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261.)

Subchapter 5

Licensing

24.144.501 WHO MUST OBTAIN AN ENDORSEMENT (1) Except as provided in (2), a person must obtain an endorsement from the department prior to selling, servicing or installing fire alarm systems, special agent fire suppression systems or fire extinguishing systems.

(2) The following persons need not obtain an endorsement:

(a) a manufacturer filling or charging a fire extinguisher prior to its initial sale.
(b) an apprentice, so long as the person performs the installation or service of fire protection equipment under the immediate personal supervision of a person holding an endorsement.

(c) an owner, manager or maintenance personnel making monthly inspections on their own facilities of fire extinguishers.

(d) an owner or occupant of a single family residence performing installation of fire protection equipment as long as the authority having jurisdiction approves the installation.

(3) An apprenticeship program must assure that the person completes the program in no longer than:

(a) four years for the service or installation of fire alarm systems;
(b) two years for the service or installation of special agent fire suppression systems;
(c) five years for the service or installation of fire extinguishing systems.

(4) An apprentice will be registered and issued a card each year while in good standing that indicates the individual is in a training position and shall not install, inspect, recharge, repair, service or test fire protection equipment without the direct and immediate supervision of a person endorsed by the department.

(5) An apprentice shall obtain an endorsement within 90 days after completion of the apprentice program.

(6) The following persons or entities are exempt from the licensing requirements imposed by these rules:

(a) Persons or entities that engage only in the routine visual inspection of fire alarm systems, special agent fire suppression systems or fire extinguishing systems owned by the person or entity and installed on property under their control are exempt from obtaining a license or endorsement from the department; however, these persons or entities are not exempt if they service or install fire protection equipment.

(b) A licensed electrician who installs smoke detection and fire alarm equipment pursuant to building specifications is exempt from obtaining a license or endorsement under this chapter, provided the installation is inspected and approved by a person endorsed to service or install the fire protection equipment.

(c) An owner or occupant of a single family residence performing installation of fire protection equipment, as long as the authority having jurisdiction approves the installation. (History: 50-3-102, 50-3-103, 50-39-107, MCA; IMP, 50-3-102, 50-39-101, 50-39-102, 50-39-103, 50-39-104, 50-39-105, 50-39-106, 50-39-107, MCA; NEW, Eff. 10/5/75; AMD, Eff. 12/4/76; AMD, 1983 MAR p. 15, Eff. 1/14/83; AMD, 1985 MAR p. 936, Eff. 7/12/85; AMD, 1991 MAR p. 1839, Eff. 9/27/91; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, AMD, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261.)

24.144.502 EXAMINATION FOR ENDORSEMENT (1) The department shall issue an endorsement for both nonpre-engineered and pre-engineered fire alarm systems, special fire agent suppression systems or fire extinguishing systems to an individual who pays the required fee and submits satisfactory documentation that the applicant satisfies one of the following:

(a) currently holds the equivalent of endorsement in another jurisdiction (state, territory, federal government, federally-recognized tribe, country or local government), provided that the applicant meets or exceeds the qualifications for endorsement in this state;

(b) has been issued a letter of certification, specific to the endorsement being sought, of NICET Level II or higher; or is a candidate for certification from NICET Level II or higher. The letter of certification must be sent directly to the program office from NICET.

FIRE PREVENTION
AND FIREWORKS WHOLESALERS

24.144.502

(c) has passed the following NICET examination elements, for the system(s) for which endorsement is sought, as specified below:

(i) automatic sprinkler fire extinguishing system (NICET) examination requirements:

- 13001 construction plans
- 13002 fire protection plans and symbols
- 13003 specifications and cost estimates
- 13005 basics of system layout
- 13006 classification of occupancies
- 13007 water supply requirements
- 13008 system connections
- 13009 system piping configurations, schedules and sizes
- 13010 requirements of spacing
- 13011 sprinkler location and position
- 13012 pipe joining techniques and fittings
- 13013 pipe hangers and hanging
- 13014 wet and dry systems
- 13016 underground piping
- 13017 building codes
- 13020 common material specifications
- 13021 system components and limitations
- 13023 special sprinklers
- 13024 water flow test
- 13026 dwelling sprinklers
- 14002 selection of fire pumps
- 14004 pump flow test
- 14005 high piled storage
- 14006 rack storage
- 14007 sprinkler system maintenance
- 14009 standpipe systems
- 14010 fire pumps and systems
- 14011 storage tanks
- 14012 alarms and system supervision
- 14013 fundamentals of fire extinguishment
- 14015 seismic bracing;

(ii) fire alarm system endorsement (NICET) examination requirements:

- 33001 fire protection plans and symbols
- 33002 basics of system layout
- 33003 electrical installation standards
- 33004 basic fire alarm signaling systems
- 33005 supervision and supervisory service
- 33006 detection methods
- 33007 detector spacing
- 33008 power supplies
- 33009 system acceptance and periodic tests
- 33010 construction plans

- 33011 specifications and cost estimates
- 33013 building codes
- 33016 local protective signaling systems
- 33017 auxiliary protective signaling systems
- 33018 remote station protective signaling systems
- 33019 proprietary protective signaling systems
- 33020 central station signaling systems
- 33021 manual fire alarm systems and guard's tour service
- 33022 heat-sensing fire detectors
- 33023 smoke-sensing fire detectors
- 33024 flame-sensing fire detectors
- 33025 sprinkler waterflow and supervisory devices
- 33026 alarm indicating appliances
- 33027 basics of signal transmission
- 34001 emergency voice/alarm communication systems
- 34002 signal processing
- 34003 surveys for fire alarm and detection systems
- 34004 fire alarm system maintenance
- 34005 fire alarm system wiring
- 34006 emergency evacuation signals;

(iii) special agent fire suppression system endorsement (NICET) examination requirements:

- 23101 materials and components
- 23102 standard symbols
- 23103 specifications and cost estimates
- 23104 hazard analysis
- 23105 detection methods
- 23106 fundamentals of fire extinguishment
- 23107 extinguishing agents
- 23108 heat-sensing detectors
- 23109 smoke-sensing detectors
- 23110 flame detectors
- 23111 fire gas detectors
- 23112 foam water systems
- 23113 halon 1301 systems
- 23114 carbon dioxide systems
- 23115 dry chemical systems
- 23116 halon 1211 systems
- 23117 electrical installation standards
- 23118 area, volume and weight calculations
- 24101 explosion prevention and venting;

(c) has successfully completed an apprenticeship program approved by the department; or

(d) is currently licensed as an engineer in any jurisdiction (state, territory, federal government, federally-recognized tribe, country or local government), that has licensure standards as stringent as or more stringent than those for licensure as an engineer in the state of Montana.

(2) The department shall issue an endorsement for pre-engineered fire alarm systems, or special fire agent suppression systems to an individual who submits proof of manufacturer training on the specific brand and model of such pre-engineered system for which the applicant seeks endorsement. An endorsement granted under this rule shall be valid only for the brand and model number specified on the endorsement. Those extinguisher system endorsements issued under this rule prior to February, 1998, will remain valid until or unless the endorsement is not renewed by the renewal date or is revoked. (History: 50-3-102, 50-39-107, MCA; IMP, 37-1-131, 50-39-101, MCA; NEW, Eff. 10/5/75; AMD, Eff. 12/4/76; AMD, 1983 MAR p. 15, Eff. 1/14/83; AMD, 1985 MAR p. 936, Eff. 7/12/85; AMD, 1991 MAR p. 1839, Eff. 9/27/91; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, AMD, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)

24.144.503 APPLICATION PROCEDURE (1) An application for a license, endorsement, renewal, reinstatement or apprenticeship program approval must be made on a form provided by the department and completed and signed by the applicant.

(2) The application must be typed or written in ink, signed and accompanied by the appropriate fee(s) and contain sufficient evidence of the individual's, entity's or program's qualifications under relevant law.

(3) The department may require an applicant to submit original or certified documents in support of any application. The department may permit such documents to be withdrawn upon substitution of a true and correct copy of same.

(4) All certificates for licensure, such as NICET Level II certificates, must be received by the department directly from the certifying entity.

(5) Fully-completed applications will be reviewed for compliance with relevant law. The department may request such additional information or clarification of information provided in the application as it deems reasonably necessary to a complete review of the application.

(6) Incomplete applications shall be returned to the applicant with a statement regarding incomplete portions. The applicant shall correct any deficiencies and resubmit the application. Failure to resubmit the application within 60 days shall be treated as a voluntary withdrawal of the application. After voluntary withdrawal an applicant will be required to submit an entirely new application, with a new application fee, to begin the process again.

(7) The department shall notify the applicant in writing of the results of the evaluation of the application. In the case of a denial, the department shall specify the deficiencies in the application.

(8) All requests for reasonable accommodations under the Americans with Disabilities Act of 1990, 42 USC 12101, et seq. (ADA) in regard to licensing, endorsement or an apprenticeship program, must be made on forms provided by the department, must be submitted with the application and must be supported by medical evidence of the applicant's qualification for reasonable accommodations under the ADA. (History: 50-39-107, MCA; IMP, 50-39-102, 50-39-103, 50-39-105, MCA; NEW, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261.)

Subchapter 6 reserved

Sub-Chapter 7

Fireworks Wholesalers

24.144.701 APPLICATION FOR FIREWORKS WHOLESALER PERMIT

(1) Applicants for fireworks wholesaler permits must submit an application form, prescribed by the department, along with a \$55.00 application fee.

(2) The application form must contain the applicant's name, permanent address, business name, if any, principal place of business and a statement that the applicant has not been convicted of a crime involving the use, possession or sale of fireworks. The application must be notarized and accompanied by a certified copy of the applicant's birth certificate and three notarized letters attesting to the applicant's good moral character. (History: 50-37-104, MCA; IMP, 50-37-104, MCA; NEW, 1985 MAR p. 916, Eff. 7/12/85; AMD, 1988 MAR p. 171, Eff. 1/29/88; TRANS, from 8.70.1401, 1995 MAR p. 1934, Eff. 9/29/95; TRANS, from Commerce, 2005 MAR p. 261.)

24.144.702 CONTENTS OF FIREWORKS WHOLESALE PERMIT

(1) Information contained on the face of the permit shall include the name of the wholesaler, business name, if any, principal place of business and permanent address.

(History: 50-37-104, MCA; IMP, 50-37-104, MCA; NEW, 1985 MAR p. 916, Eff. 7/12/85; TRANS, from 8.70.1402, 1995 MAR p. 1934, Eff. 9/29/95; TRANS, from Commerce, 2005 MAR p. 261.)

Sub-Chapters 8 through 20 reserved

Subchapter 21

Continuing Education and Renewal

24.144.2101 CONTINUING EDUCATION (1) Continuing education is that education obtained which is in addition to the educational requirements for endorsement. Continuing education must be related to the practice of installing or servicing fire protection equipment.

(2) An endorsee shall obtain a minimum of eight hours (60 minutes per hour) annually and submit copies of continuing education certificates with the application for renewal. Up to eight hours earned in excess of the eight hours required in a licensing year may be carried over into the succeeding year. All applicants for renewal of endorsements shall have completed continuing education as provided in this rule as a condition to establish eligibility for renewal. The continuing education requirement will not apply until the endorsee's first full year of endorsement.

(3) The following continuing education programs may be approved by the department for continuing education credit:

- (a) workshops, seminars and educational conferences sponsored by fire protection equipment manufacturers or trade associations;
- (b) courses in specialized programs approved by the department;
- (c) correspondence course work approved by the department;
- (d) videotaped instruction or course work approved by the department;
- (e) any continuing education which has been obtained in another state that meets the continuing education requirements of Montana;
- (f) college or vocational school course work, approved by the department, which is germane to the profession and contributes directly to the professional competence of the endorsed individual, subject to the following limitations:
 - (i) the endorsed individual must pass the course;
 - (ii) one semester credit shall equal 15 hours of continuing education;
 - (iii) one quarter credit shall equal 10 hours of continuing education.

(g) teaching courses that are germane to the profession. Credit units may be applied in this category based on a report by the endorsed individual. For a one-hour presentation, the presenter will be awarded two hours of continuing education. The following limitations shall apply to requests for credit under this section:

(i) documentation must be submitted showing the licensee as the instructor of the course;

(ii) the course must be addressed to endorsed individuals or apprentices in order to qualify for credit;

(iii) a course outline must be provided to the department; and

(iv) instruction of any course may be submitted for continuing education only once. (History: 50-3-102, 50-39-107, MCA; IMP, 50-39-102, MCA; NEW, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, AMD, 1996 MAR p. 748, Eff. 3/22/96; AMD, 1998 MAR p. 458, Eff. 2/13/98; TRANS, from Commerce, 2005 MAR p. 261.)

24.144.2102 RENEWALS (1) Each entity or person who receives a license or endorsement from the department in accordance with these rules shall submit an application for renewal.

(2) The application for renewal must follow procedures and be on a form provided by the department.

(3) All fire protection equipment licenses and endorsements must be renewed on or before the date set by ARM 24.101.413. A renewal notice will be sent as specified in ARM 24.101.414.

(4) Upon receipt of the application, the department shall grant a renewal of the license or endorsement if the applicant meets all of the requirements under the provisions of Title 50, chapter 39, part 1, MCA, and these rules, has committed no act which would constitute grounds for suspension or revocation under 37-1-406, MCA, and remains properly equipped and staffed to provide the services intended to be performed.

(5) Applications for renewal must be accompanied by the fee(s) specified under ARM 24.144.411.

(6) The provisions of ARM 24.101.408 apply. (History: 37-1-141, 50-39-107, MCA; IMP, 37-1-141, 50-39-102, MCA; NEW, 1991 MAR p. 1839, Eff. 9/27/91; AMD, 1993 MAR p. 2953, Eff. 12/10/93; TRANS, AMD, 1996 MAR p. 748, Eff. 3/22/96; TRANS, from Commerce, 2005 MAR p. 261; AMD, 2006 MAR p. 224, Eff. 1/27/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06.)